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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 BOB A PUGH,

12 Plaintiff,

13 v.

14 SUSAN DREYFUS,

15 Defendant.

CASE NO. C13-5295 RBL-JRC

REPORT AND RECOMMENDATION TO
GRANT MOTION TO SUBSTITUTE
DEFENDANT

NOTED FOR: OCTOBER 11, 2013

16 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
18 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

19 The Court recommends granting defendants' motion asking that the Court replace
20 defendant Susan Dreyfus, former Secretary of the Department of Social Health Services, with
21 Kevin Quigley, the current Secretary (ECF No. 20). The authority for this substitution of
22 defendants is Fed. R. Civ. P. 25(d). Plaintiff has not filed any opposition to the motion.

23 FED. R. Civ. P. 25(d) states:

24 (d) Public Officers; Death or Substitution from Office.

1 An action does not abate when a public officer who is a party in a
2 official capacity dies, resigns, or otherwise ceases to hold office while the action
3 is pending. The officer's successor is automatically substituted as a party.
4 Later proceedings should be in the substituted party's name, but any misnomer
5 not affecting the parties' substantial rights must be disregarded. The court may
6 order substitution at any time, but the absence of such an order does not affect
7 the substitution.

8 Given this authority, and the lack of opposition to the motion, the Court recommends
9 granting defendants' motion. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the
10 parties shall have fourteen (14) days from service of this Report to file written objections. *See*
11 *also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
12 purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating
13 the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for
14 consideration on October 11, 2013, as noted in the caption.

15 Dated this 10th day of September, 2013.



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17 J. Richard Creatura
18 United States Magistrate Judge
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